

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST LITIGATION

Case No. 0:18-cv-01776-JRT-HB

This Document Relates To: All Actions

Declaration of Stephen R. Stouffer

STEPHEN R. STOUFFER, being duly sworn deposes and says:

1. I am over eighteen (18) years of age. I make this declaration based on my personal knowledge, my review of pertinent records, my discussions with Tyson Foods, Inc. employees, and my years of experience at Tyson Foods, Inc.
2. I am employed by Tyson Foods, Inc. as the Group President of Tyson Fresh Meats. I submit this declaration on behalf of Defendants Tyson Foods, Inc., Tyson Prepared Foods, Inc., and Tyson Fresh Meats, Inc. (collectively, "Tyson").
3. I am aware that the class period alleged in this litigation covers the timeframe of January 1, 2009 to present, which I will also refer to herein as "the relevant time period."
4. In 2001, Tyson acquired IBP, inc. ("IBP"), which expanded Tyson's pork operations. Prior to the acquisition, I was employed by IBP. I continued employment with Tyson after the acquisition, holding various positions as set forth herein within Tyson's Fresh Meats division, which is comprised of its beef and pork operating segments.
5. Throughout the relevant time period, I have been continually employed by Tyson, serving as Vice President of Ground Beef, Trim, and Variety Meats Sales from 2009 to 2012; Senior Vice President of Beef Margin Management from 2012 until 2013; and President of Fresh

Meats from 2013 until 2018, when I entered into my current role as Group President of Tyson Fresh Meats.

6. As current Group President of Tyson Fresh Meats, my job responsibilities include, but are not limited to, overseeing all aspects of beef and pork production and sales, as well as the live swine subsidiary.

7. I am familiar with the day-to-day running and management of Tyson's pork operations and facilities during the relevant time period, including the extent to which Donald J. Tyson and John H. Tyson were and/or are involved in such efforts.

Donald J. Tyson's Involvement in Tyson's Pork Operations During the Relevant Time Period

8. Donald J. Tyson ("Don Tyson") became Tyson's CEO and chairman in 1967. He stepped down as CEO in 1991, relinquished the chairman position in 1998 and became senior chairman, and retired from the senior chairman position in 2001, the same year that Tyson acquired IBP. Don Tyson continued to serve on Tyson's Board of Directors until he passed away in January 2011.

9. Tyson's world headquarters and poultry headquarters are located in Springdale, Arkansas. After the acquisition of IBP, Tyson's pork operations remained based out of IBP's company offices located in Dakota Dunes, South Dakota. Don Tyson never maintained an office at Tyson's Dakota Dunes offices.

10. After the acquisition, Don Tyson did not make regular visits to the company's pork plants or to Tyson's Dakota Dunes office. In fact, I recall that Don Tyson visited Tyson's pork facilities only once, shortly after Tyson acquired IBP in 2001.

11. I am not aware of any regular contact between Don Tyson and any of the key Tyson pork decision-makers during the relevant time period regarding Tyson's pork operations.

Nor did Don Tyson engage in production planning for the company's pork operations during the relevant time period.

12. During the relevant time period, Don Tyson did not have any day-to-day involvement in Tyson's pork operations.

13. During the relevant time period, Don Tyson was not involved in setting prices or production levels for pork products, nor did he engage in discussions surrounding what types, cuts, or grades of pork products to produce.

John H. Tyson's Involvement in Tyson's Pork Operations

14. John H. Tyson ("John Tyson") served as Tyson's CEO from 2000 to 2006. John Tyson assumed Tyson's chairmanship of its Board of Directors in 1998 and continues in this position presently.

15. During the relevant time period, John Tyson has never maintained an office at Tyson's Dakota Dunes offices.

16. I do not recall John Tyson ever visiting Tyson's pork facilities or Dakota Dunes offices with any frequency or regularity during the relevant time period.

17. I am not aware of any regular contact between John Tyson and any of the key Tyson pork decision-makers regarding Tyson's pork operations during the relevant time period. Nor did John Tyson engage in production planning for the company's pork operations during the relevant time period.

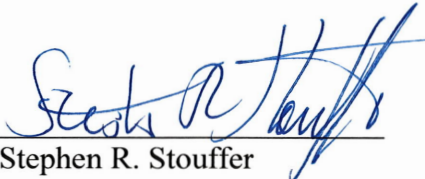
18. John Tyson has not had any day-to-day involvement in Tyson's pork operations during the relevant time period.

19. John Tyson is not now involved in setting prices or production levels for pork products, nor does he engage in discussions surrounding what types, cuts, or grades of pork

products to produce. Nor did John Tyson engage in such activities during the relevant time period.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 21, 2020.


Stephen R. Stouffer